

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JAMES L. COOMBS,

Plaintiff,

v.

**WILLIAM E. IORIO and THE IORIO
FAMILY TRUST,**

Defendants.

Case No. CIV-06-060-SPS

**OPINION AND ORDER GRANTING
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

The Plaintiff James L. Coombs sued herein to enforce against the Defendants William E. Iorio and the Iorio Family Trust a judgment he obtained in state court against Intesco Global Energy, L.L.C. ("Intesco"), which the Plaintiff alleged was the Defendants' alter ego or instrumentality. The Plaintiff subsequently amended to add claims against the Defendants for tortious interference. The Plaintiff had trouble serving the Defendants but eventually did so in accordance with the Hague Convention and obtained Entry of Default by the Clerk of Court when the Defendants failed to answer.

The Plaintiff has now filed a Motion for Default Judgment [Docket No. 150] against the Defendants. There is no question the Plaintiff is entitled to entry of default judgment allowing enforcement of the state court judgment against the Defendants. This amount, with accrued interest, comes to \$2,981,528. But the Plaintiff also seeks entry of judgment on his tortious interference claims, including lost income, emotional distress and punitive damages totaling \$7,563,750. With the latter amount the Court has two concerns: (i) some categories

are speculative at best; and (ii) there would appear to be some overlap with the judgment rendered in the state court case. Indeed, a review of the state court docket reflects that judgment was entered in favor of the Plaintiff and against Intesco on claims for tortious interference, the same claims added by the Plaintiff to this case in his amended complaint. Accordingly, the Court finds that rendering default judgment in the amount of \$2,981,528 will make the Plaintiff whole and avoid double recovery on such claims.

For the reasons set forth above, the Plaintiff's Motion for Default Judgment [Docket No. 150] is hereby GRANTED pursuant to Fed. R. Civ. 55(b). Judgment in favor of the Plaintiff and against the Defendants in the amount of \$2,981,528 will be rendered contemporaneously herewith pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED this 31st day of March, 2009.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE